



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,873	07/25/2001	Akito Kohno	393032027100	7246

25224 7590 04/12/2005

MORRISON & FOERSTER, LLP
555 WEST FIFTH STREET
SUITE 3500
LOS ANGELES, CA 90013-1024

EXAMINER

SELLERS, DANIEL R

ART UNIT	PAPER NUMBER
----------	--------------

2644

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/912,873	KOHNO ET AL.	
	Examiner	Art Unit	
	Daniel R. Sellers	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>see attachment</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation Sheet (PTOL-326)

Application No.

02/06/04

02/24/04

06/21/04

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Korg USA Inc., D8 Digital Recording Studio (hereinafter Korg).

3. Regarding claim 1, see Korg

1. A recording/reproducing mixer, comprising:

a recording/reproducing device that records and/or reproduces a plurality of audio signals in/from a plurality of tracks; (Par. 1, lines 1-7)

a track selector that selects a track of said recording/reproducing device; (Par. 3, lines 1-6)

a reader that reads audio signals of the selected track of said recording/reproducing device; (Par. 4, line 3-4)

a mixing device that mixes the read audio signals; (Par. 2, lines 1-5)

a designator that designates a listening mode; and (Par. 4, lines 3-4)

an output controller that outputs the read audio signals bypassing said mixing device when the listening mode is designated, and outputs the read audio signals via said mixing device when the listening mode is not designated. (Par. 4, lines 10-11, Par. 5, lines 4-6, and Par. 6, lines 6-7)

Korg had a product on sale on April 22, 1999, which teaches and performs these features.

4. Regarding claim 2, the further limitation of claim 1, see Korg

... further comprising a read starting position designator that designates a read starting position of audio signals, wherein said reader starts reading from a position designated by said read starting position designator. (Par. 4, lines 5-6)

Korg's product had these features.

5. Regarding claim 3, the further limitation of claim 1, see Korg

... further comprising a position memory that memorizes a read starting position immediately before an operation mode is changed to the listening mode, wherein said reader starts reading audio signals starting at the read starting position memorized in said position memory, after the listening mode is terminated. (Par. 4, lines 5-9)

Korg's product had these features.

6. Regarding claim 4, see the preceding argument with respect to claim 1.

Korg's product teaches this method.

7. Regarding claim 5, see the preceding argument with respect to claim 1.

Korg's product teaches this storage medium storing a program.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vauclain, U.S. Patent No. 3,781,452, Lewis et al., U.S. Patent No. 4,224,644, Spector, U.S. Patent No. 4,509,190, and Lydecker et al., U.S. Patent Application Publication 2003/0028273.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is 571-272-7564.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SINH TRAN
SUPERVISORY PATENT EXAMINER

DRS